

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

THE UNITED STATES OF AMERICA, :

: NOTICE OF MOTION

-against- : Ind. No. 07 Cr. 897 (AKH)

MARIO SOSA-GINESTE, et. al., :

Defendants. :

-----X

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of MARIO SOSA-GINESTE, duly sworn to the 9th day of January, 2008, and upon all of the pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Alvin K. Hellerstein, USDJ, at the Courthouse located at 500 Pearl Street, in the City, County and State of New York, on the 30th day of January, 2008, at 4 p.m. in the afternoon, for an order:

1. Pursuant to Rule 12 of the Federal Rules of Criminal Procedure, suppressing any and all physical evidence seized from the person of the defendant and from his vehicle on August 29, 2007, upon the grounds that any and all such evidence was obtained in violation of the rights afforded the defendant by the Fourth Amendment to the United States Constitution; and

2. Pursuant to Rule 12 of the Federal Rules of Federal of Criminal Procedure, suppressing and all statements made by the defendant on August 29, 2007, upon the grounds that any such statement was obtained in violation of the rights afforded the defendant by the Fourth and Fifth Amendments to the United States Constitution; and

3. For such other and further relief as to this Court may seem reasonable and proper.

Dated: The Bronx, New York
January 9, 2008

GOLDSTEIN & WEINSTEIN
Attorneys for defendant
888 Grand Concourse
Bronx, New York 10451
Tel. No. (718) 665-9000

By: 
DAVID J. GOLDSTEIN

TO: HON. MICHAEL J. GARCIA
United States Attorney
Southern District of New York
1 St. Andrews Plaza
New York, New York 10007

Att: AUSA Jeffrey A. Brown